

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

ORDER No. 93-105
NPDES PERMIT NO. CA0029912

WASTE DISCHARGE REQUIREMENTS FOR:

CONTRA COSTA COUNTY, CONTRA COSTA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, CITY OF CLAYTON, CITY OF CONCORD, TOWN OF DANVILLE, CITY OF EL CERRITO, CITY OF HERCULES, CITY OF LAFAYETTE, CITY OF MARTINEZ, TOWN OF MORAGA, CITY OF ORINDA, CITY OF PINOLE, CITY OF PITTSBURG, CITY OF PLEASANT HILL, CITY OF RICHMOND, CITY OF SAN PABLO, CITY OF SAN RAMON, CITY OF WALNUT CREEK, which have joined to form the CONTRA COSTA CITIES ♦ COUNTY ♦ DISTRICT STORMWATER POLLUTION CONTROL PROGRAM

The California Regional Water Quality Control Board, San Francisco Bay Region (hereinafter referred to as the Regional Board) finds that:

1. The Contra Costa County Flood Control and Conservation District, Contra Costa County and 16 incorporated cities in the County which include the City of Clayton, City of Concord, Town of Danville, City of El Cerrito, City of Hercules, City of Lafayette, City of Martinez, Town of Moraga, City of Orinda, City of Pinole, City of Pittsburg, City of Pleasant Hill, City of Richmond, City of San Pablo, City of San Ramon, and the City of Walnut Creek (hereinafter Dischargers) have joined to form the Contra Costa Cities ♦ County ♦ District Stormwater Pollution Control Program (hereinafter the Program), and have submitted an NPDES permit application package, dated May 1, 1993, for issuance of Waste Discharge Requirements under the National Pollutant Discharge Elimination System (NPDES) to implement "A Stormwater Management Plan for the Contra Costa Cities ♦ County ♦ District Stormwater Pollution Control Program" dated May 1, 1993 (hereinafter the Plan) amended by submittals of July 20 and 23, 1993.
2. The permit application included the Plan which describes in detail all group activities and entity-specific activities. The plan also describes measures that are included and how they are organized; it lists tasks required to accomplish the measures, the schedule for implementation, and specific goals. The schedule and tasks are projected for the 5-year permit period.
3. The Dischargers have jurisdiction over and/or maintenance responsibility for storm drains and watercourses in Contra Costa County, (See attached County Map Appendix "A"). Discharge consists of rainfall runoff generated from various land uses which either discharge directly to San Francisco Bay (Bay) and the Sacramento San Joaquin Delta (Delta) or to watercourses tributary to the Bay or Delta. The major natural drainage watersheds in Contra Costa County are San Pablo Creek, Rheem Creek, and Wildcat Creek in the western portion of the county; they drain westerly into San Pablo Bay. The San Ramon, Walnut Creek and Arroyo del Hambre watersheds located in the central north of the county drain northerly into Suisun Bay and Carquinez Strait.

4. Contra Costa County, all its municipalities, and unincorporated areas that cover the permit area with the exception of Brentwood, encompasses approximately 800 square miles and has a population of 796,169 according to the 1990 census.
Land use in the county ranges from highly commercial and industrialized areas in the western portion (Rheem Creek watershed) and predominantly open space (Wildcat watershed). In the central portion of the county, (Arroyo del Hambre Creek watershed) land use is predominantly agricultural and open space, and in the south central county, (San Ramon and Walnut Creek watersheds) residential uses dominate. Most rainfall in the permit basin occurs in the winter months.
5. The Regional Board adopted a Water Quality Control Plan for the San Francisco Bay Region (Basin Plan) on December 17, 1986, and the State Water Resources Control Board approved it on May 21, 1987. The Board adopted a revised Water Quality Control Plan for the San Francisco Bay (Revised Basin Plan) on September 12, 1992 and the State Board approved it on April 27, 1993. Both the Basin Plan and Revised Basin Plan contain water quality objectives for San Francisco Bay.
6. The Basin Plan lists the following existing beneficial uses that apply (depending on the specific receiving waters) for Central, Lower and South San Francisco Bay, Suisun Bay, San Pablo Bay their tributary streams and contiguous water bodies within the drainage basin as follows:
 - a. Contact and Non-Contact Water Recreation
 - b. Wildlife and Estuarine Habitat
 - c. Preservation of Rare and Endangered Species
 - d. Fish Spawning and Migration
 - e. Industrial Service and Process Supply
 - f. Shellfish Harvesting
 - g. Navigation
 - h. Commercial and Sport Fishing
 - i. Groundwater Recharge
 - j. Fresh Water Replenishment
 - k. Warm and Cold Fresh Water Habit
 - l. Municipal Water Supply
7. In February 1991 representatives from Contra Costa County, its 17 incorporated cities and the Contra Costa County Flood Control and Water Conservation District joined together to determine how to comply with the Basin Plan requirements. Subsequently, a Technical Coordination Committee which includes members from all the permittees, was established. The Technical Coordination Committee was assigned the role of coordinating and managing the program. The Committee meets monthly with the presence of Board staff to review ongoing progress and related matters.

8. The Program has conducted a pilot-scale loads assessment analysis prior to conducting a full scale loads assessment for the entire county. A drainage basin in Antioch which contains several different land uses was utilized for the study. The initial report on the monitoring, modeling, and loads assessment is scheduled to be completed and submitted by September 1, 1994.
9. Section 402(p) of the Clean Water Act (CWA), as amended by the Water Quality Act of 1987 (WQA), requires NPDES permits for storm water discharges from separate municipal storm drain systems and prohibits non-storm water discharges into these systems. On November 16, 1990, EPA published regulations for storm water discharges pursuant to Section 402(p) of the CWA. The Plan submitted in the permit application package was prepared to meet the Regional Board's Basin Plan requirements and to satisfy EPA's regulations on applying for a NPDES permit for storm water discharges from separate municipal storm drain systems.
10. The Plan provides the basis of a phased and tiered approach over the next five year period to reduce the discharge of pollutants to municipal storm drains to the maximum extent practicable. The Plan emphasizes pollution prevention activities through the following major program components:
 - o Overall Program Management
 - o Description of Existing Legal Authority and Plan for Improvement
 - o Evaluation of Controls Proposed in the Storm Water Management Plan
 - o Public Information/Participation
 - o New Development and Construction Site Controls
 - o Municipal Government Activities
 - o Illicit Discharge Identification and Elimination
 - o Industrial Discharges Identification and Runoff Control
 - o Urban Runoff Monitoring
11. The Plan emphasizes incorporating storm water pollutant controls into established programs as much as possible in order to maximize the use of existing resources, to minimize the risk of creating redundant and overlapping regulatory programs, and to expedite implementation of the Plan.
12. The Plan is an integral and enforceable component of this Order. The title page and table of contents of the Plan are included in Attachment "B" of this Order. The Plan and other information contained in the Dischargers' application package are generally found by the Regional Board to satisfy EPA's NPDES permit application requirements for municipal storm water discharges. The only exception is that the specific plan for the City of Orinda does not contain implementation time schedules. This Order requires submittal of an acceptable time schedule which will become incorporated into the plan and be enforceable by this Order.

13. The roles and responsibilities of the Dischargers in implementing the Program are described in the Plan and Agreement as follows:
 - a. Cities, District and unincorporated Contra Costa County: are responsible for adopting and enforcing ordinances and implementing recommended pollutant control measures for the control of the discharge of pollutants to their municipal storm drains and conveyance systems that they own and operate. The pollutant control measures are described in the Plan. The Board in exercising its enforcement discretion will, wherever possible, take action only against the individual Dischargers responsible for specific violations of the Order.
 - b. General Program: comprises activities described in the Plan which provide a benefit to the Dischargers as a group. These activities include such things as adoption of a comprehensive stormwater management ordinance; illicit connections and illegal discharge elimination program; new development and construction sites control program; geographic information system development; public education and industrial outreach program; and compiling and coordinating annual report submittals to the Regional Board.
14. The State Board has issued NPDES General permits for the regulation of stormwater discharges associated with industrial and construction sites. The Board intends to issue a separate NPDES stormwater permit to CALTRANS. The Board will consider issuing separate NPDES stormwater permits to other federal, state or regional entities in Contra Costa County which may not be subject to direct regulation by the Dischargers.
15. The Dischargers may petition the Regional Board to require a separate NPDES permit of any discharger of non-storm water into storm drain systems that they own and operate which does not comply with requirements established by the Dischargers.
16. The issuance of waste discharge requirements for this discharge and the implementation of all pollutant control measures described in the Plan are exempt from the provisions of the California Environmental Quality Act (CEQA); Chapter 3 (commencing with Section 21100) of Division 13 of the Public Resources Code in accordance with Section 13389 of the California Water Code and as provided in categorical exemption classes 1, 4, 5, 7, 8, 9, and/or 21 of the CEQA Guidelines (Title 14, California Code of Regulations Sections 15301-15329).
17. The Regional Board will notify interested agencies and interested persons of the availability of reports, plans, and schedules submitted in response to requirements of this Order and may provide them with an opportunity for a public hearing and an opportunity to submit their written views and recommendations. The Board will consider all comments and may modify the reports, plans, or schedules or may modify this Order accordingly.
18. The Regional Board has notified the Dischargers and interested agencies and interested persons of its intent to prescribe waste discharge requirements for this discharge and has provided them with an opportunity for a public hearing and an opportunity to submit their written views and recommendations.

19. The Regional Board, at a properly noticed public meeting, heard and considered all comments pertaining to the discharge.
20. This Order serves as a National Pollutant Discharge Elimination System (NPDES) Permit pursuant to Section 402 of the Clean Water Act, or amendments thereto, and shall become effective ten days after the date of its adoption provided the Regional Administrator, EPA, has no objections.

IT IS HEREBY ORDERED that the Dischargers, in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder and the provisions of the CWA as amended and regulations and guidelines adopted thereunder, shall comply with the following:

A. DISCHARGE PROHIBITIONS

1. The Dischargers shall effectively prohibit discharge of non-stormwater through their systems into waters of the United States. NPDES permitted non-stormwater discharges are exempt from this prohibition. The following non-stormwater discharges need not be prohibited provided such sources are identified and appropriate control measures to minimize the impacts of such sources, are developed under the plan. However, dischargers of such non-stormwater discharges may need to obtain NPDES permits.
 - a. water line flushing;
 - b. landscape irrigation;
 - c. diverted stream flows;
 - d. rising ground waters;
 - e. uncontaminated groundwater infiltration {as defined at 40 CFR 35.2005(20)} to separate storm sewers;
 - f. uncontaminated pumped groundwater;
 - g. discharges from potable water sources;
 - h. foundation drains;
 - i. air conditioning condensate;
 - j. irrigation water;
 - k. springs;
 - l. water from crawl space pumps;
 - m. footing drains;
 - n. lawn watering;
 - o. individual residential car washing;
 - p. flows from riparian habitats and wetlands;
 - q. dechlorinated swimming pool discharges;
 - r. discharges or flows from emergency fire fighting activities.
2. The discharge of storm water containing pollutants which have not been reduced, through measures identified in the plan, to the maximum extent practicable is prohibited.

B. RECEIVING WATER LIMITATIONS

1. The discharge shall not cause the following conditions to create a condition of nuisance or to adversely affect beneficial uses of waters of the State.
 - a. Floating, suspended, or deposited macroscopic particulate matter, or foam;
 - b. Bottom deposits or aquatic growths;
 - c. Alteration of temperature, turbidity, or apparent color beyond present natural background levels;
 - d. Visible, floating, suspended, or deposited oil or other products of petroleum origin;
 - e. Toxic or deleterious substances to be present in concentrations or quantities which will cause deleterious effects on aquatic biota, wildlife, or waterfowl, or which render any of these unfit for human consumption either at levels created in the receiving waters or as a result of biological concentration.
2. The discharge shall not cause a violation of any applicable water quality objective for receiving waters contained in the Inland Surface Water Plan, Enclosed Bays and Estuaries Plan, the Regional Board's Basin Plan. If different applicable water quality objectives are adopted after the date of adoption of this Order, the Board may revise and modify this Order as appropriate.

C. PROVISIONS

1. The Dischargers shall demonstrate compliance with Discharge Prohibitions A.1 and A.2 and Receiving Water Limitations B.1 and B.2 through the timely implementation of control measures and other actions to reduce pollutants in the discharge in accordance with the Plan and any of its modifications, revisions, or amendments. The Plan is an enforceable component of this order. Each of the Dischargers need only comply with permit conditions (including Discharge Prohibitions A.1. and A.2 and Receiving Water Limitations B.1 and B.2) as to discharges from the municipal separate storm drains for which they are operators.
2. Each Discharger shall adopt requirements as described in the Plan that effectively prohibit non-storm water discharges into the storm drains and require controls to reduce the discharge of pollutants to the maximum extent practicable.

3. The Dischargers shall submit by September 1 each year, an annual report documenting the status of all the general program and individual tasks contained in the plan. The annual fiscal year-end report will be a detailed compilation of all the deliverables and milestones completed as described in the plan. On an annual basis each discharger shall conduct an evaluation of the effectiveness of its scheduled activities as described in the plan. Measures of effectiveness include, but are not limited to, quantitative monitoring to assess the effectiveness of control measures, detailed accounting of program accomplishments, funds expended and staff hours utilized. This annual report shall provide an overall evaluation of the program and set forth plans and schedule of implementation for the upcoming year. In addition, the dischargers shall submit by April 1 of each year an annual report format acceptable to the Executive Officer, for the annual report due on September 1 each year.
4. It is anticipated that the Plan may need to be modified, revised, or amended from time to time to respond to changed conditions and to incorporate more effective approaches to pollutant control. Requests for changes may be initiated by the Regional Board's Executive Officer or by the Dischargers. Minor changes may be made with the Executive Officer's approval and will be brought to the Board as information items. Such proposed changes shall be submitted to the Regional Board as technical reports as needed. If proposed changes imply a major revision in the overall scope of effort of the program, such changes would be brought before the Regional Board as permit amendments.
5. No later than November 15, 1993 the city of Orinda shall submit an amendment acceptable to the Executive Officer to its specific plan which contains time schedules for implementing its plan.
6. Contra Costa County, the City of Orinda, and the Town of Moraga in coordination with the East Bay Municipal Utility District (EBMUD) and other affected parties shall prepare and submit by March 31, 1994 a management plan acceptable to the Executive Officer that contains actions to reduce adverse stormwater runoff discharge impacts to the drinking water quality of San Pablo and Upper San Leandro reservoirs owned and operated by EBMUD.
7. This Order may be modified, or alternately, revoked or reissued, prior to the expiration date as follows:
 - a. to address changed conditions identified in the required technical reports or other sources deemed significant by the Regional Board;
 - b. to incorporate applicable requirements of statewide water quality control plans adopted by the State Board or amendments to the Basin Plan; or
 - c. to comply with any applicable requirements, guidelines, or regulations issued or approved under Section 402(p) of the CWA, if the requirement, guideline, or regulation so issued or approved contains different conditions or additional requirements not provided for in this Order. The Order as modified or reissued under this paragraph shall also contain any other requirements of the CWA then applicable.

8. All applications, reports, or information submitted to the Board shall be signed and certified pursuant to EPA regulations 40CFR122.41(k).
9. This Order expires on September 15, 1998. The Dischargers must file a Report of Waste Discharge in accordance with Title 23, California Code of Regulations, not later than 180 days in advance of such date as application for reissuance of waste discharge requirements.

I, Steven R. Ritchie, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on September 15, 1993.



STEVEN R. RITCHIE
Executive Officer

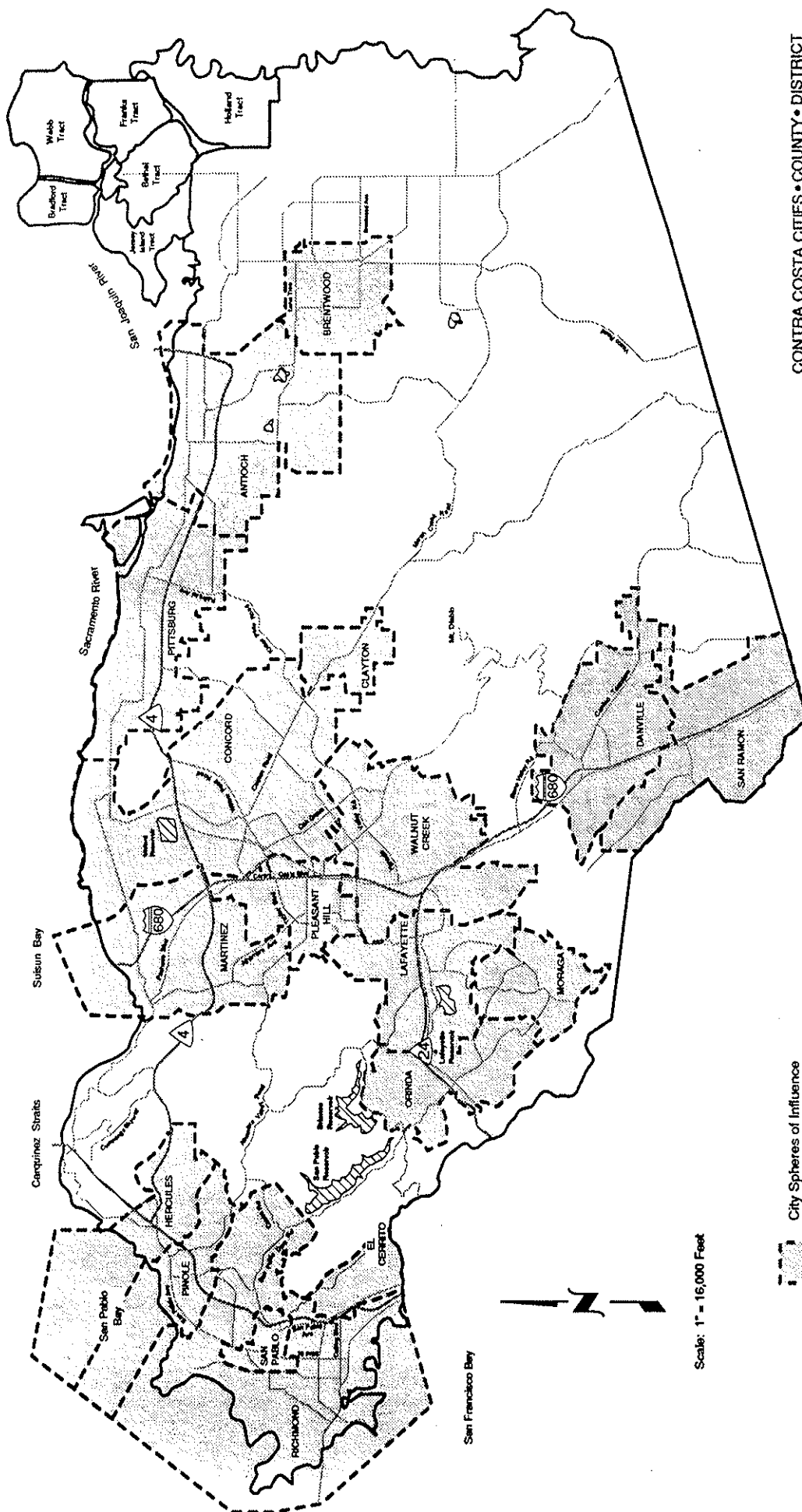
ATTACHMENT A -- COUNTY MAP

ATTACHMENT B -- MAP SHOWING MAJOR STREAMS

ATTACHMENT C -- MAP SHOWING MONITORING STATIONS

ATTACHMENT D -- TITLE PAGE, TABLE OF CONTENTS
(VOLUMES 1 & 2) -- A STORMWATER MANAGEMENT
PLAN FOR THE CONTRA COSTA CITIES ♦ COUNTY ♦ DISTRICT
STORMWATER POLLUTION CONTROL PROGRAM

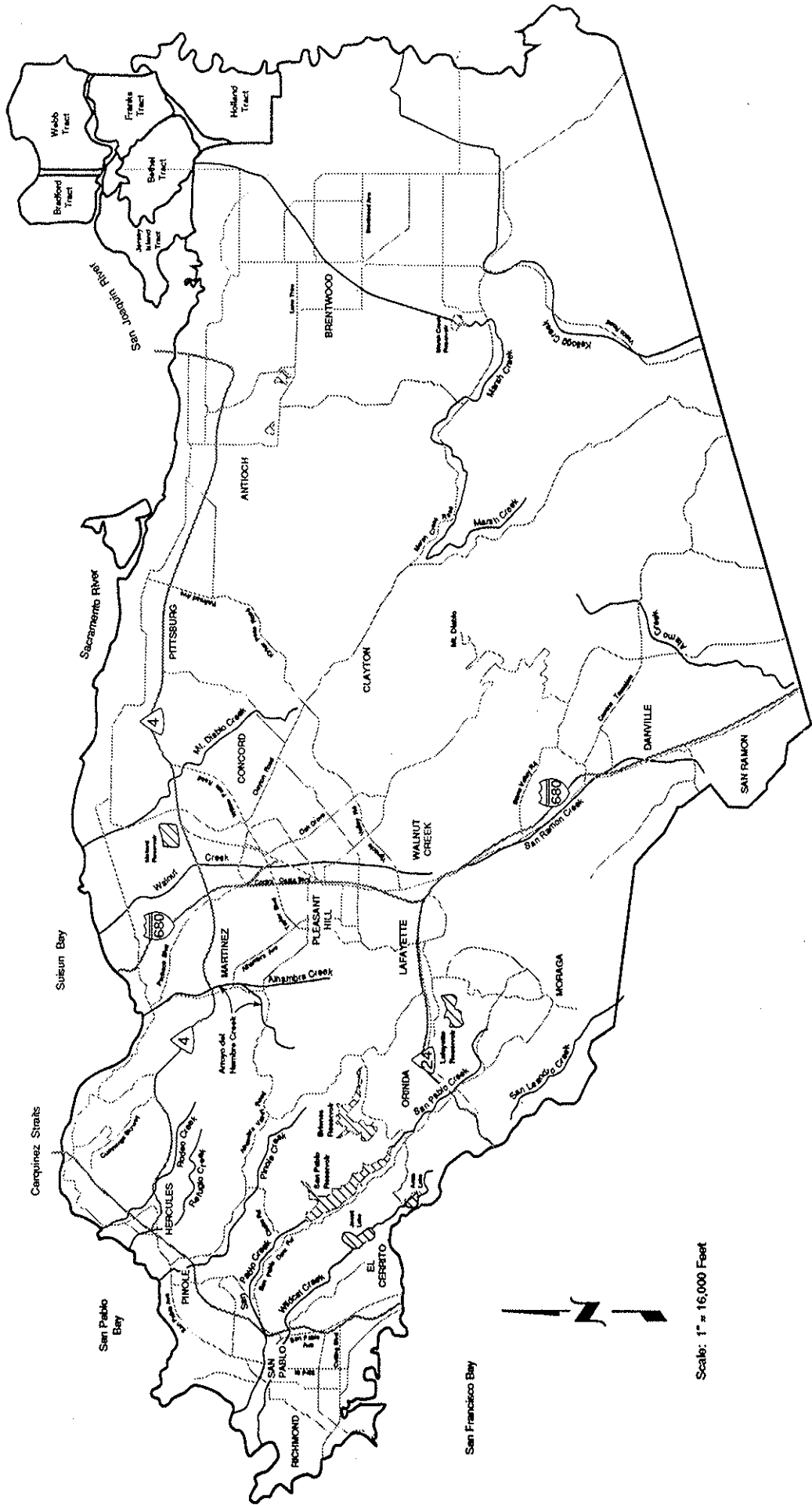
APPENDIX "A"



CONTRA COSTA CITIES • COUNTY • DISTRICT
STORM WATER PERMIT AREA

City Spheres of Influence

APPENDIX "B"

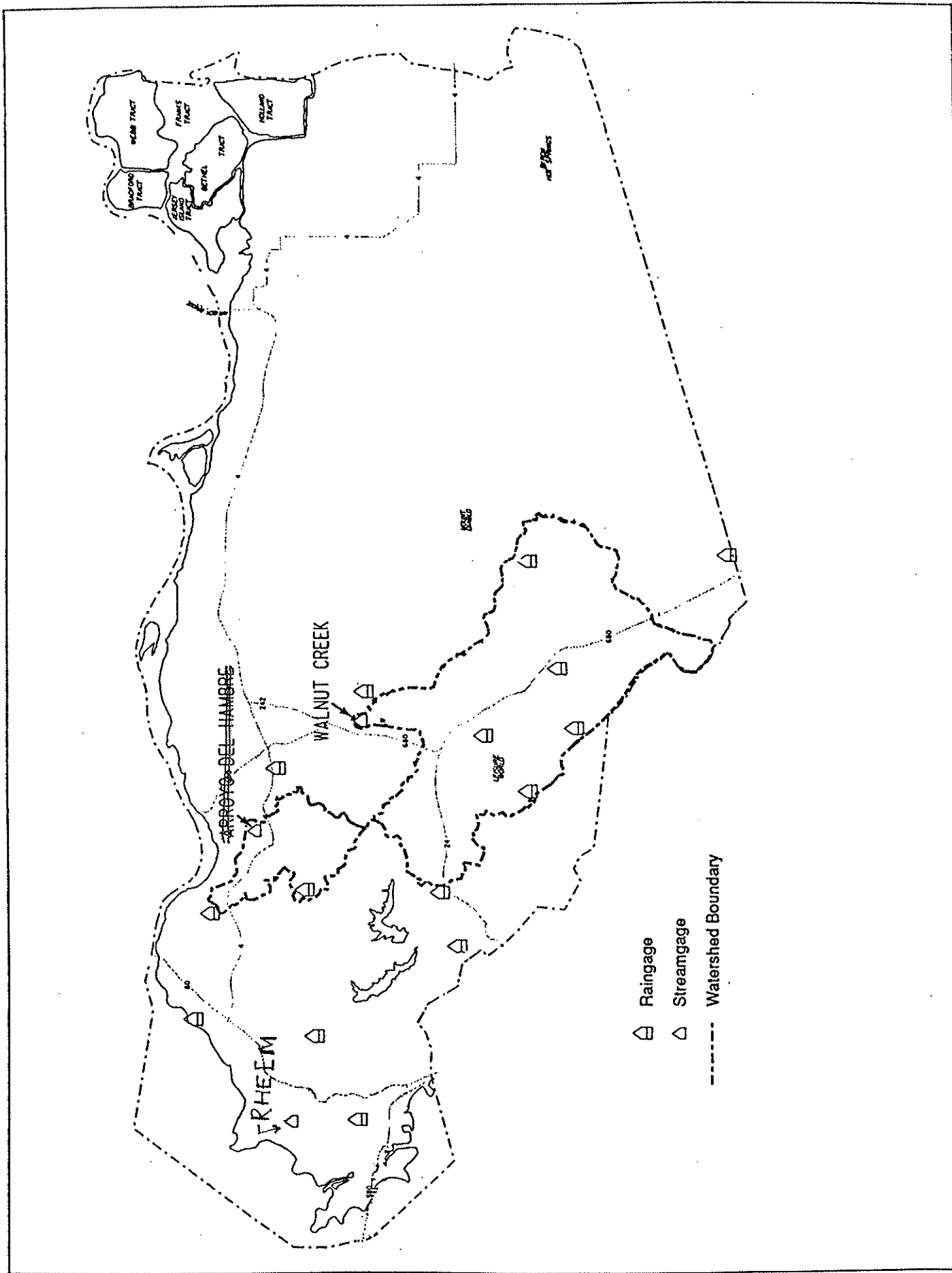


MAJOR SURFACE WATER FEATURES-
CONTRA COSTA COUNTY

- Major Surface Water
- Lake or Reservoir

Scale: 1" = 16,000 Feet

APPENDIX "C"



STREAM AND RAIN GAGE LOCATIONS

APPENDIX "D"

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INTRODUCTION

Volume 2 consists of Stormwater Management Plans (SWMPs) prepared by the cities and the County. The entity-specific SWMPs are submitted as part of the requirements for the NPDES Part 2 Permit Application.

The entity-specific SWMPs differ from each other with respect to the BMPs which have been selected, the schedule for implementation, and the budget; yet, they are similar in format. Each SWMP has the following structure:

Section 1.0	Introduction
Section 2.0	Potential Pollutant Source Areas and Significant Water Resources
Sections 3.0-9.0 ¹	Selected BMPs
Section 10.0	Schedule and Budget

The cities and the County will also participate in the Group Program effort which is discussed in detail in Volume 1, Section 3.0. The Group Program is mentioned in the entity-specific SWMPs under subheadings entitled "Relationship with Other Programs."

¹Some SWMPs have an additional Selected BMPs section.